

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

TIMOTHY G. KNAPP, et al.,

Plaintiffs,

v.

Civil Action No. 2:01-0788

AMERICREDIT FINANCIAL SERVICES, INC.,
a corporation; et al.,

Defendants.

O R D E R

Pending before the court is Plaintiffs' Motion for Leave to Take Limited Deposition, filed September 11, 2001. (Document # 3.) In their Motion, Plaintiffs seek leave to take a limited deposition of Bob Bumpus of Defendant Americredit Financial Services, Inc. (Americredit) for the purposes of learning the identity of John Doe corporations named in the Complaint and, more recently, the Amended Complaint. Americredit responded on October 30, 2001, opposing Plaintiffs' Motion. (Document # 23.) The court heard oral argument on October 31, 2001.

The court finds that it is in the interests of justice, pursuant to Rule 26(d) of the Federal Rules of Civil Procedure, to allow Plaintiffs to take the limited deposition of Mr. Bumpus. The potential defendants not yet named should have the opportunity to participate, if at all possible, in the Rule 26(f) meeting and all subsequent proceedings in this matter. A limited deposition of this

nature will further the goal of assuring that the necessary parties are joined and participating in this action at the earliest possible date. However, the court finds, and Plaintiffs have agreed, that the deposition of Mr. Bumpus will be limited to obtaining the identities of car dealerships in West Virginia with whom Americredit has done a substantial volume of business from August 27, 1997, up to the time of Mr. Bumpus's deposition.

Accordingly, it is hereby **ORDERED** that Plaintiffs' Motion for Leave to Take Limited Deposition is **GRANTED**, with the above limitations imposed on the taking of Mr. Bumpus's deposition. Plaintiffs' Motion for Leave to Take Limited Deposition is otherwise **DENIED**.

The Clerk is requested to send a copy of this order to all counsel of record and post this published opinion at <http://www.wvsc.uscourts.gov>.

ENTER: November 1, 2001

Mary Stanley Feinberg
United States Magistrate Judge

Daniel F. Hedges, Esquire
8 Hale Street
Charleston, WV 25301
For Plaintiffs

R. Kemp Morton, Esquire
James C. Stebbins, Esquire
HUDDLESTON, BOLEN, BEATTY,
PORTER & COPEN
P.O. Box 3786
Charleston, WV 25337-3786
For Defendant Americredit